

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LINWOOD EDWARD TRACY, JR.; et al.,

Plaintiffs,

v.

CEO, SUCCESSOR FOR DEUTSCHE  
NATIONAL TRUST COMPANY; et al.,

Defendants.

3:11-cv-0436-LRH-VPC

ORDER

Before the court are plaintiff Linwood Edward Tracy, Jr.'s ("Tracy") various motions for judgment. Doc. ##53, 65, 66, 67, 68, 69, 78.<sup>1</sup> Also before the court are Tracy's motions to dismiss for sanctions (Doc. ##108, 109) and motions for color of law violation (Doc. ##143, 144) which the court shall construe as motions for judgment.

**I. Facts and Background**

At its core, this is a wrongful foreclosure and wrongful taxation action. Plaintiff William Gerald Fillion ("Fillion") owned real property in California which was subject to state, county, and city tax assessments. The tax assessments went unpaid and eventually the property was foreclosed upon.

On June 21, 2011, plaintiffs filed a civil rights complaint against defendants for violation of their First and Fourth Amendment rights. *See* Doc. #1. In particular, plaintiffs challenge the tax

<sup>1</sup> Refers to the court's docket number.

1 assessments and foreclosure claiming that the property belonged to a non-profit organization.

2 Thereafter, Tracy filed the various motions for judgment.

3 **II. Discussion**

4 Tracy's motions for judgment fall into two categories: (1) motions for judgment against  
5 individuals who are not defendants in this action; and (2) motions for judgment against defendants  
6 who have already been dismissed in this action. As to those individuals who are not defendants in  
7 this action, the court is without jurisdiction to enter any form of judgment against them. As to those  
8 defendants who have already been dismissed, the court is likewise without jurisdiction to enter  
9 judgment against them because they are prevailing parties. Accordingly, the court shall deny  
10 Tracy's motions for judgment.

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12 IT IS THEREFORE ORDERED that plaintiff's motions for judgment (Doc. ##53, 65, 66,  
13 67, 68, 69, 78, 108, 109, 143, 144) are DENIED.

14 IT IS SO ORDERED.

15 DATED this 5th day of July, 2012.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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